

16367 U.S. PTO  
120903

Patent  
Attorney Docket: 098719-100001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 098719-100001  
First Named Inventor: Jerry R. Dimmer  
Prior Application Information:  
Serial No. 10/422,311  
Art Unit: 3612

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

19270 U.S. PTO  
10/731898  
120903

FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

☐ continuation ☐ divisional ☒ continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 10/422,311 filed on April 24, 2003, by

**Jerry R. Dimmer and Michael R. Spencer, entitled:**

**Cover System for Truck Box**

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**I. APPLICATION ELEMENTS ENCLOSED**

19 Page(s) of Written Description

7 Page(s) of Claims

1 Page(s) of Abstract

8 Sheet(s) of Drawings ☒ formal ☐ informal

       Page(s) of ☐ Declaration or ☐ Declaration and Power of Attorney

☐ Copy from prior application [37 CFR § 1.63(d)]: filed on October 6, 1995  
in parent application Serial No. 08/476,444

☐ Newly executed

       Other:

CERTIFICATE OF MAILING  
(37 C.F.R. § 1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EV 301124804 US  
Express Mail Label No.

December 9, 2003  
Date of Deposit  
LAI-2077400v1

Kelene S. Lutgen  
Name of Person Mailing Paper

*Kelene S. Lutgen*  
Signature of Person Mailing Paper

- ☒ The present application is owned by Shur Company. An Assignment will follow.
- ☐ An Information Disclosure Statement, PTO 1449, ☐ with copies of cited items.
- ☐ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

**II. FEE CALCULATION**

- ☐ Applicant claims small entity status under 37 CFR 1.27.

<b>BASIC FILING FEE:</b>						\$770.00
Total Claims	34	-	20	=	14	x \$18.00 \$252.00
Independent Claims	5	-	3	=	2	x \$86.00 \$172.00
Multiple Dependent Claims	\$290	(if applicable)				<input type="checkbox"/> \$0.00
<b>TOTAL OF ABOVE CALCULATIONS</b>						\$1,194.00
Reduction by ½ for Filing by Small Entity.						<input type="checkbox"/> \$0.00
Misc. Filing Fees (Recordation of Assignment)						\$0.00
<b>TOTAL FEES DUE HEREWITH</b>						\$1,194.00

**III. PRIORITY - 35 USC § 119**

- ☐ Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 USC § 119.
- ☐ The certified copy has been filed in prior U.S. application Serial No. \_\_\_\_\_ on \_\_\_\_\_.
- ☐ The certified copy will follow.

**IV. AMENDMENTS**

- ☐ Cancel in this application original Claims \_\_\_\_\_ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)
- ☐ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

**V. RELATE BACK - 35 USC § 120**

- ☒ This application is a continuation-in-part of U.S. Patent Application serial number 10/422,311, filed April 24, 2003, now pending, which is a continuation of U.S. Patent Application Serial No. 10/001,384, filed October 31, 2001, now U.S. Patent No. 6,568,740.
- ☒ Relation back information is included the specification.
- ☐ Relation back information is included in the Preliminary Amendment.
- ☐ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
- ☐ the same.
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:
- Name(s) of inventor(s) to be deleted

**VI. METHOD OF PAYMENT OF FEES**

- ☐ Attached is a check in the amount of \_\_\_\_\_.
- ☐ Charge Jones Day's Deposit Account No. **50-2468** in the amount of \_\_\_\_\_.
- ☒ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

**VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES**

The Commissioner is hereby authorized to credit Jones Day's Deposit Account No. **50-2468** for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **50-2468**:

- ☐ 37 CFR § 1.16 (Filing fees and excess claims fees)
- ☐ 37 CFR § 1.17 (Application processing fees)
- ☐ 37 CFR § 1.21 (Assignment recordation fees)

**VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS**

- ☐ The power appears in the original papers in the prior application.
- ☐ The power does not appear in the original papers, but was filed on \_\_\_\_\_ in prior application Serial No. \_\_\_\_\_ (copy enclosed).
- ☐ A new power has been executed and is attached.

Please send all correspondence to Customer Number 34026:



JONES DAY  
555 W. Fifth Street  
Suite 4600  
Los Angeles, CA 90013-1025  
(213)489-3939

Please direct all inquiries to David A. Randall, at the above Customer Number.

**IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION**

- ☐ A petition, fee and response has been filed to extend the term in the pending **prior** application until \_\_\_\_\_. A copy of the petition for extension of time in the **prior** application is attached.
- ☐ A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

**X. ABANDONMENT OF PRIOR APPLICATION**

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

JONES DAY

By: \_\_\_\_\_

David A. Randall  
Reg. No. 37,217

Dated: December 9, 2003

Enclosures